



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

Filed 4/6/06 Council Meeting
ORDINANCE _____

BILL 8 (2006)

A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO OHANA DWELLINGS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to establish a single standardized maximum size for permitted ohana (accessory) dwellings.

SECTION 2. Section 21-8.20, Revised Ordinances of Honolulu 1990, as amended ("Housing—Ohana (accessory) dwellings"), is amended by amending subsection (c) to read as follows:

"(c) One ohana accessory dwelling unit may be located on a lot zoned for residential, country, or agricultural use, with the following limitations:

- (1) The maximum size of an ohana accessory dwelling unit shall be [as follows:

Zoning District	Maximum Floor Area
AG-1 restricted agricultural	1,000 sq. ft.
AG-2 general agricultural	1,000 sq. ft.
Country	1,000 sq. ft.
R-20 residential	1,000 sq. ft.
R-10	900 sq. ft.
R-7.5	700 sq. ft.
R-5	700 sq. ft.]

1,000 square feet in the agricultural, Country and residential zoning districts.

- (2) Ohana dwelling units shall not be permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster,

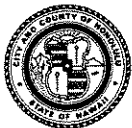


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planned development housing, R-3.5 zoning districts, or on duplex unit lots.

- (3) An ohana dwelling unit shall not be permitted on any nonconforming lot.
- (4) The ohana dwelling unit and the principal dwelling shall be located within a single structure, i.e., within the same two-family detached dwelling.
- (5) The ohana dwelling unit shall be occupied by persons who are related by blood, marriage or adoption to the family residing in the principal dwelling. Notwithstanding this provision, ohana dwelling units for which a building permit was obtained before September 10, 1992 are not subject to this restriction and their occupancy by persons other than family members is permitted.
- (6) All other provisions of the zoning district shall apply.
- (7) The parking provisions of this chapter applicable at the time the ohana building permit is issued shall apply and the provision of such parking shall be a continuing duty of the owner.
- (8) The owner or owners of the lot shall record in the bureau of conveyances of the State of Hawaii, or if the lot is subject to land court registration under HRS Chapter 501, they shall record in the land court, a covenant that neither the owner or owners, nor the heirs, successors or assigns of the owner or owners shall submit the lot or any portion thereof to the condominium property regime established by HRS Chapter 514A. The covenant shall be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such a covenant shall be deemed a violation of Chapter 21 and be grounds for enforcement of the covenant by the director pursuant to Section 21-2.150, et seq., and shall be grounds for an action by the director to require the owner or owners to remove, pursuant to HRS Section 514A-21, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant."

SECTION 3. Ordinance material to be repealed is bracketed and new material is underscored. When revising, compiling, or printing this ordinance for inclusion in the



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Revised Ordinances of Honolulu, the revisor or ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Mark A. Cuny

DATE OF INTRODUCTION:

JAN 09 2006

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

MUFI HANNEMANN, Mayor
City and County of Honolulu

FILED

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 008 (2006)

Introduced: 1/9/06 By: DONOVAN DELA CRUZ (BY REQUEST) Committee: ZONING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO OHANA DWELLINGS.

Links: BILL 008 (2006) (DPP INITIATED; SEE ALSO BILL 7)
D-1132 (2005)

Council	1/25/06	Bill passed first reading and referred to Committee on Zoning.
		Apo..... Y Cachola..... Y Dela Cruz Y Djou..... Y Garcia Y
		Kobayashi.... Y Marshall Y Okino Y Tam..... Y

Zoning	1/31/06	Bill deferred in Committee.
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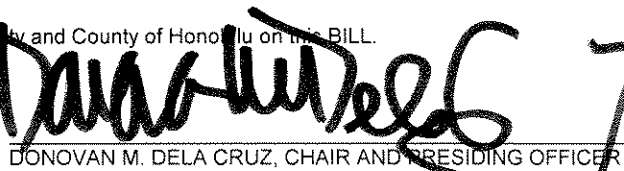
Zoning	5/22/06	CR-253 – Bill reported out of committee for filing.
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Council	6/7/06	Bill filed and CR-253 adopted.
		Apo..... Y Cachola..... Y Dela Cruz Y Djou..... Y Garcia Y
		Kobayashi.... Y Marshall Y Okino Y Tam..... E

Apo.....	Cachola.....	Dela Cruz	Djou.....	Garcia
Kobayashi....	Marshall	Okino	Tam.....	

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER